IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 22710 of 2007(C)

PETITIONER:

VASANTHAKUMARI, W/O KAMALAN,
HONEYBHAVAN, AYKKATTU MURI,
KODUMON VILLAGE, CHENGANNUR TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
ALAPPUZHA.

2. THE SUB INSPECTOR OF POLICE,
CHENGANNUR.

3. SUNIL KUMAR K.M. PILLAI,
AYIRUMUTTATH PUTHEN VEEDU,
KARAKKAD MURI, MULAKKUZHA,
MEZHUVELI, CHENGANNUR TALUK.

4. P.V.SHAJI, S/O VASAVAN,
RAMANCHIRA PUTHENVEETTIL,
MEZHUVELI MURI, MEZHUVELI.

BY GOVT. PLEADER SRI. SALIM P.A

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the document dated 9.11.2006 in favour of the petitioner.

Ext.P2: True copy of the encumbrance certificate in respect of it dated 16.1.2005.

Ext.P3: True copy of the encumbrance certificate from 15.11.2005 to 27-10-2006 when the property was transferred to the 4th respondent.

Ext.P4: True copy of paying land revenue and the latest receipt dated 29.5.2007

Ext.P5: True copy of the complaint requested the 2nd respondent to give police aid and protection as per letter dated 18.7.2007

//True copy//

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K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO.22710 OF 2007-C

Dated 12th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner purchased 14.17 ares of land covered by Ext.P1 sale deed. When the petitioner and her workmen tried to take the yield from the said property, respondents 3 and 4 obstructed the same. They are owners of the property in the neighbourhood. So, she submits, she has preferred Ext.P5 representation on 18.7.2007 before the S.I. Of Police, Chengannur, claiming protection to take the usufructs from her property. Alleging that no protection is extended, this writ petition is filed.

2. The learned Government Pleader, upon instructions, submitted that Ext.P5 is not received by the police. Another complaint dated 30.6.2007 was received. According to the police, it is a boundary dispute between the petitioner and respondents 3 and 4. The respondents 3 and 4 cut and removed a tree. The petitioner feels that the same was standing in her property. So, the dispute arose, it is submitted.

3. Having regard to the nature of the dispute, the petitioner has to move the competent civil court to redress her grievances. In this civil dispute the police cannot be assigned any role. Accordingly, the writ petition fails and it is dismissed without prejudice to the contentions of the petitioner and her right to move the competent civil court for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/